

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed May 21, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Objections

Claims 12-17 have been objected for omission of the word "and" in claim 12. That word has been added to claim 12 through this Response. Applicant respectfully submits that claims 12-17 are no longer objectionable.

II. Claim Rejections - U.S.C. § 102

A. Rejection of Claims 1, 2, 4, 5, 7, and 8

Claims 1, 2, 4, 5, 7, and 8 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Morimoto, et al. ("Morimoto," U.S. Pat. Application Publication No. 2002/0035467). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration." W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Morimoto reference. Referring first to claim 1, Applicant recites (emphasis added):

1. A method for operating a disk drive, comprising:
detecting insertion of a disk within the disk drive;
reading contents of the disk; and
automatically storing a copy of the disk contents in a
designated location within memory as a back-up version *such that a
back-up copy of the disk contents is automatically created in
response to detected disk insertion.*

Applicant respectfully notes that Morimoto does not teach “detecting insertion of a disk” or “automatically storing a copy of the disk contents . . . such that a back-up copy of the disk contents is automatically created in response to detected disk insertion.”

In the Office Action, an excerpt of the Morimoto reference is identified to support rejection of Applicant’s claims. That excerpt provides (paragraph 053, last 5 lines):

The FDD 3b, for instance, is used for storing the data of the backup memory in a floppy disk or for copying the data of the floppy disk in the backup memory.

Applicant notes that this excerpt says nothing about “detecting insertion of a disk” as is required by claim 1. Furthermore, the excerpt is silent as to when or for what reason a “backup” is performed. As vague as the excerpt is, Morimoto could be discussing a backup procedure that is manually initiated by the user. Regardless, the excerpt clearly fails to teach or suggest “automatically storing a copy of the disk contents . . . such that a back-up copy of the disk contents is automatically created in response to detected disk insertion.”

Referring next to claim 2 that depends from claim 1, Applicant notes that Morimoto does not teach or suggest “automatically storing a new version of data in the

designated location when a user stores a new version of data to the disk.” Again, although Morimoto provides a vague reference to “backup,” Morimoto is silent as to the context in which such a backup occurs (e.g., manual, automatic, etc.).

With reference next to claim 4, Applicant recites (emphasis added):

4. A computing device, comprising:
a processing device;
a disk drive; and
memory including a disk back-up controller that is *configured to automatically store a copy of contents of a disk in response to the disk being inserted into the disk drive*, the disk contents being stored in a designated location within memory.

In view of the discussion provided above in relation to claim 1, it is clear that Morimoto does not teach or suggest a back-up controller that is “configured to automatically store a copy of contents of a disk in response to the disk being inserted into the disk drive.”

Referring to claim 5, which depends from claim 4, Applicant notes that Morimoto does not teach a component configured to “automatically store a new version of data in the designated location when a user stores a new version of data on the disk.”

For at least the reasons provided above, Morimoto does not anticipate Applicant’s claims. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

B. Rejection of Claims 9, 12, 13, and 16-19

Claims 9, 12, 13 and 16-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Arons, et al. (“Arons,” U.S. Pat. No. 6,529,920). Applicant respectfully traverses this rejection.

Referring first to claim 9, Applicant recites:

9. A method for operating a *floppy disk drive*, comprising:
detecting a shut down procedure of the computing device; and
transmitting an ejection command to the disk drive to cause an
ejection mechanism of the disk drive to actuate to eject a *floppy disk*
inserted within the disk drive.

Applicant notes that nowhere in the Arons disclosure is a “floppy disk” or a “floppy disk drive” described. In view of at least that shortcoming, Arons cannot anticipate Applicant’s claim 9.

Claims 12 and 18 also recite a “floppy disk” and a “floppy disk drive.” In view of this fact, claims 12 and 18 are allowable over Arons for at least the same reasons as claim 9 is allowable over Arons.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 3 and 6

Claims 3 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morimoto in view of Arons. Applicant respectfully traverses this rejection.

As noted above, Morimoto fails to teach or suggest the limitation of independent claims 1 and 4, from which claims 3 and 6 depend. Given that Arons does not remedy

the deficiencies of Morimoto, claims 3 and 6 are allowable over Morimoto/Arons for at least the same reasons that claims 1 and 4 are allowable over Morimoto.

B. Rejection of Claims 10, 11, 14, and 15

Claims 10, 11, 14, and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Arons in view of Morimoto. Applicant respectfully traverses this rejection.

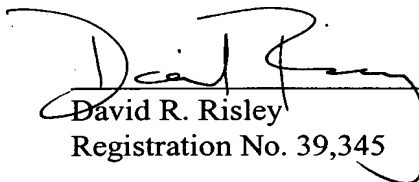
As noted above, Arons fails to teach or suggest the limitation of independent claims 9 and 12 from which claims 10, 11, 14, and 15 depend. Given that Morimoto does not remedy the deficiencies of Arons, claims 3 and 6 are allowable over Arons/Morimoto for at least the same reasons that claims 9 and 12 are allowable over Arons.

As a further matter, Applicant notes that neither Arons or Morimoto teach or suggest “detecting insertion of a disk within the disk drive and, in response, automatically storing a copy of the disk contents in a designated location within memory” as provided in claim 10, “automatically storing a new version of data in the designated location when a user stores a new version of data on the disk” as provided in claim 11, “a disk back-up controller configured to automatically store a copy of disk contents in a designated location within memory as a back-up version when insertion of a disk into the disk drive is detected” as provided in claim 14, or that the “is further configured to store a new version of data in the designated location when a user stores a new version of data on the disk” as provided in claim 15. Applicant refers to the discussion of Morimoto provided above in relation to claims 1 and 4.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

July 20, 2004

Mary M. Egan
Signature